5328671/2021/TW-LTR-SOW01

**GOVERNMENT OF ANDHRA PRADESH**
**ABSTRACT**

Tribal Welfare Department - LTR - Sri Kondisetty Nageswara Rao @ Bujji, S/o Poturaju (Late), R/o Old Market Road, Bhadrachalam, Telangana State and other - Revision Petition filed under the provisions of A.P.S.A.L.T.R 1959 as amended by 1/70 - Land admeasuring Ac.15.25Cts in S.No.82/C of Lakshmidevipeta (V), Yetapaka (M), East Godavari District - Allowed - Orders – issued.

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**SOCIAL WELFARE (TW.LTR.2) DEPARTMENT**

**G.O.Ms.No.37**

**Dated:08.12.2021**
**Read the following:-**

1. LTRP.No.37/2008, orders issued by the Special Deputy Collector, Rampachodavaram, East-Godavari District, dated 22.11.2019 filed by Sri Lavudya Mansingh, Pichikalapadu (V) Yetapaka (M), East Godavari District.
2. C.M.A.No.1/2020 orders issued by the P.O.ITDA/Addl.Agent to Govt., Rampachodavaram, East-Godavari District filed by Sri Lavudya Mansingh, Pichikalapadu(V) Yetapaka(M), East-Godavari District, dated 26.03.2021.
3. Revision Petition dt.12.04.2021 filed by Sri Kondisetty Nageswara Rao @ Bujji, S/o Poturaju(Late) R/o Old Market Road, Bhadrachalam, Telangana State,.
4. Issued Govt.Memo.No. SOW01-TWOLTR/61/2021, dated. 02.07.2021.
5. Issued Govt.Lr.No. SOW01-TWOLTR/61/2021, dated. 14.07.2021.
6. Issued Govt.Memo.No. SOW01-TWOLTR/61/2021, dated. 03.08.2021.
7. Issued Govt.Lr.No.SOW01-TWOLTR/61/2021, dated 16.08.2021.
8. From the Tahasildar, Yetapaka (M), E.G.Dt. parawise remarks submitted, dated.22.08.2021

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**O R D E R:**

1. Sri Lavudya Mansingh, S/o Inda, East Godavari District has filed a petition against Sri Kondisetty Nageswara Rao @ Bujji, S/o Poturaju (Late) and Sri Sanka Rajendra Prasad, R/o Old Market Road, Bhadrachalam, Telangana State regarding Petition Scheduled land in S.No.82/C measuring Ac.15.23 cents of Lakshmidevipeta (V), Yetapaka (M), East Godavari District so as to protect/implement LTR Act, 1959 under section 3 (2) (a) of the Andhra Pradesh State Area Land Transfer Regulation Act 1/1959 as amended by the Regulation 1 of 1970 before the Special Deputy Collector, Rampachodavaram.

2. The Special Deputy Collector, Rampachodavaram, East Godavari District has dismissed the Orders in LTRP.No.37/2008, dated 22.11.2019 filed by the Sri Lavudya Mansingh, East Godavari as per Section 2 clause (g) of the A.P. Scheduled Area Land Transfer Regulation Act 1 of 1959 as amended by Regulation 1 of 1970. The Scheduled Land was under continuous and uninterrupted possession of non-tribes prior to the commencement of APSALTR thus the possession and enjoyment of the respondent not hit by the provisions of Land Transfer Regulation Act 1/1959 as amended by 1/70. Subsequently, the respondent got the Petition Scheduled Land through Willnama and the transfer of land by way of testamentary disposition i.e. Willnama is not void transfer by Virtue of **section 2 , clause (g) of the AP Scheduled Area Land Transfer Regulation Act 1/1959 as amended by 1/70** vide referenced 1st read above.

3. Aggrieved by the above said orders, Sri Lavudya Mansingh, East Godavari has filed appeal petition before the Project Officer, ITDA / Additional Agent to Government, Chinturu, East Godavari District under Sec 3(a)(ii) of AP Scheduled Areas Land Transfer Regulation Act 1/1959 read r/w Rules 8(1) of APSALTR-1969.

(P.T.O)

4. In the reference 2nd read above, the Project Officer, ITDA / Additional Agent to Government, Chinturu, East Godavari District being lower appellate authority has quashed the orders passed by the Special Deputy Collector, Rampachodavaram, East Godavari District/Lower Court issued in the reference 1st read above.

5. In the reference 3rd read above Sri Kondisetty Nageswara Rao @ Bujji, S/o Poturaju (Late), R/o Old Market Road, Bhadrachalam, Telangana State & other have filed Revision Petition before the Government under the provisions of A.P.S.A.L.T.R.,1959 against the orders passed by the the Project Officer, ITDA / Additional Agent to Government, Chinturu, East Godavari District in the reference 2nd read above. The land is located in Lakshmidevipeta (V), Yetapaka (M), East Godavari to the land adm. Ac.15.25Cts in S.No.82/C of Lakshmidevipeta (V), Yetapaka (M), East Godavari District.

6. After examining the Revision Petition filed by Sri Kondisetty Nageswara Rao @ Bujji, S/o Poturaju (Late), Government while admitting the same has called for parawise remarks along with connected case records from the P.O., ITDA, Chinturu, East Godavari District in the reference 4th read above.

7. The Revision Petition has been posted for Hearing on 24.07.2021 and the same has been informed to the petitioners/Respondents and their Counsel in the reference 5th read above for attending the hearing, where Status-Quo has been Ordered and the same has been informed to the respective individuals in the reference 6th read above.

8. Further, the hearing has been conducted on 23.08.2021 duly informing the both parties in the memo 7th read above. The Tahasildar, Yetapaka, East Godavari District has submitted parawise remarks to the Appellate Authority/ Dy.CM(TW) during the enquiry on 23.08.2021 in the reference 8th read above. The parties and their counsel have attended the hearing and upon perusing the records/ evidences/ grounds filed by the Revision Petitioners, the Appellant Authority has come to the conclusion and opined/ observed that:

(a) During the course of hearing of the case that the revision petitioners and the respondent submitted their arguments and on verification of the grounds in revision petition, the documents and the grounds of revision and Para wise remarks as well as the counter and documents of the respondent and other documents and material available on the record it is noticed that lower appellant authority observed that the present revision petitioners are in possession of property in violation of regulations and concluded that the lower primary authority has failed to interpret the regulations and allowed the appeal.

(b) The contention of revision petitioners is that the land was acquired through will and as such there is no violation of regulations.

(c) It is observed that as seen from the record that the Special Deputy Collector (TW) Rampachodavaram in LTRP No. 37/2018 noticed after examined the evidence on record that the present revision petitioners are in possession of land found to be not in contravention of provisions of regulations and dismissed the petition by the order dated 22.11.2019.

(d) It is noticed that the present revision petitioners are in possession of the land by virtue of will and the transfer was affected by way of testamentary dispossession which is not void as per regulations.

(e) That taking consideration of the above and the material available on the record that it can be concluded that the lower primary authority Special Deputy Collector (TW) Rampachodavaram in LTRP No. 37/2018 passed the order dated 22.11.2019 as per law which does not deserve any interference and accordingly the same is hereby upheld confirming the same by set a siding the order passed in CMA No.1/2020 dated 26-03-2021 of the lower appellant authority Agent to Government Chinturu and accordingly the revision petition is here-by allowed.

9. After careful examination of the Revision Petition, Government in exercise of the powers conferred that the occupation and enjoyment of the respondents has been thus found to be not in contravention of the Provisions **of Sec 3(1) of the AP Scheduled Area Land Transfer Regulation Act 1/1959 as amended by 1/70**. The Petition Scheduled Land was under continuous and uninterrupted possession of non-tribes prior to the commencement of APSALTR thus the possession and enjoyment of the respondent not hit by the provisions of Land Transfer Regulation Act 1/1959 as amended by 1/70. Subsequently, the respondent got the Petition Scheduled Land through Willnama and the transfer of land by way of testamentary disposition i.e. Willnama is not void transfer by Virtue of **section 2 , clause (g) of the AP Scheduled Area Land Transfer Regulation Act 1/1959 as amended by 1/70** and the Revision Petition filed by Sri Kondisetty Nageswara Rao @ Bujji & Sri Sanka Rajendra Prasad is allowed setting aside the order passed in CMA No.1/2020 dated 26-03-2021 of the Lower Appellant Authority/ Addl.Agent to Government, Chinturu.

10. The Collector & District Magistrate, East Godavari District, Kakinada is requested to take necessary action in the matter accordingly and acknowledge the receipt of the case records, which are returned herewith.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)**

**KANTILALDANDE**
**SECRETARY TO GOVERNMENT**

To
The Collector & District Magistrate, East Godavari District, Kakinada (w.e)
The Additional Agent to Govt. cum Project Officer, ITDA, Chinturu, East Godavari District.
The Special Deputy Collector, Rampachodavaram, East Godavari District.
Sri K.Ramalingeswara Rao and Eswaraiah Chowdary Advocates, Chinturu, East Godavari District.
Sri Dannana Ramu, Advocate, D.No.13-2-122/1,Opp.RTC Bus stand , Behind Medlife Hospital, Bhadrachalam-507111.
Sri Kondisetty Nageswara Rao @ Bujji, S/o Poturaju (Late) R/o Old Market Road, Bhadrachalam, , Telangana State .
Sri Sanka Rajendra Prasad, S/o Rajeswara Rao, R/o Old Market Road, Bhadrachalam, Telangana State.
Sri Lavudya Mansingh, S/o India, Gunduvarigudem Village, Pichukulapadu Panchayat, Yetapaka Mandal, East Godavari District.

**Copy to:**
The P.S. to Hon'ble Dy. Chief Minister (TW)
The P.S. to Secretary (TW)
SF/SC.

**//FORWARDED:: BY ORDER//**

**SECTION OFFICER**